

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND EIGHTEENTH LEGISLATURE

SECOND REGULAR SESSION
January 7, 1998 to March 31, 1998

SECOND SPECIAL SESSION
April 1, 1998 to April 9, 1998

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 30, 1998

SECOND SPECIAL SESSION
NON-EMERGENCY LAWS IS
JULY 9, 1998

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
1997

Sec. 1. 37-B MRSA §264, sub-§3, as enacted by PL 1995, c. 684, §3, is amended to read:

3. Exceptions; authorization to sell. Notwithstanding subsection 2, paragraph B, the Adjutant General is authorized to sell the following armories and parcel of land:

A. The Brunswick Armory or the Bath Armory, but not both;

B. The Newport Armory;

C. The Rumford Armory;

~~D. The Sanford Armory; and~~

E. The South Portland Armory;

F. The Millinocket Armory; and

G. A 6 1/2-acre parcel of land located on the northeasterly side of U.S. Route One across from the Belfast Armory and part of the parcel of land described in the Waldo County Registry of Deeds, Book 411, Page 446.

Sec. 2. 37-B MRSA §504, sub-§1, as amended by PL 1997, c. 455, §20, is further amended to read:

1. Land acquisition. The director may acquire by eminent domain in accordance with Title 35-A, chapter 65 and with approval of the Governor, or by purchase, gift or otherwise, real estate in fee simple, or any interest therein, for use as a Veterans' Memorial Cemetery. ~~The land may not exceed 200 acres in area and~~ must be located near the center of population of the State.

Sec. 3. Purchase of land. Notwithstanding any other provision of law, the Department of Administrative and Financial Services is authorized to purchase a parcel of land adjacent to the state police barracks in Houlton for the purpose of constructing a new public safety facility.

Sec. 4. Feasibility study. The Department of Defense, Veterans and Emergency Management is directed to convene a group of people to study the feasibility of locating a veterans' cemetery in Aroostook County. The group consists of the following:

1. Three members of the American Legion, to be appointed by the District 7 (North), American Legion Commander;

2. Three members of the Veterans of Foreign Wars, to be appointed by the Maine District 1 Veterans of Foreign Wars Commander;

3. Two veterans at large, to be appointed by the Aroostook County commissioners; and

4. One member of the Department of Defense, Veterans and Emergency Management, appointed by the Commissioner of Defense, Veterans and Emergency Management or the commissioner's designee.

The study must include, but is not limited to, a review of potential in-kind donation of land and resources and utilization of volunteers for the purpose of establishing the veterans' cemetery. The members of the group shall serve without compensation. The group shall submit a report of their findings and recommendations not later than February 1, 1999 to the joint standing committee of the Legislature having jurisdiction over legal and veterans affairs.

See title page for effective date.

CHAPTER 784

H.P. 1585 - L.D. 2216

**An Act to Implement the
Recommendations of the
Commission to Study the
Restructuring of the State's Fiscal
Policies to Promote the Development
of High-technology Industry in
Maine**

**Be it enacted by the People of the State of
Maine as follows:**

Sec. 1. Establishment of Ph.D. programs.

The Chancellor of the University of Maine System shall identify, within the University of Maine System, the high-technology disciplines that would be the most productive for the establishment of programs, including Ph.D. programs, to provide educational and professional opportunities for Maine students and economic opportunities through the establishment of significant academic high-technology resources. The chancellor shall consider especially the establishment of Ph.D. programs in computer science and electrical engineering as well as other areas where Ph.D. programs do not currently exist within the target areas identified by the Maine Science and Technology Foundation: biotechnology, environmental technology, composite technology, information technology and marine science technology. The chancellor shall present a report on the need for any additional high-technology degree programs, including any necessary implementing legislation, to the joint select committee of the Legislature having jurisdiction over research and development matters, the joint standing committee of the Legislature having jurisdiction over education and cultural affairs and the 119th Legislature by

January 1, 1999 for the establishment of Ph.D. programs in a timely manner.

Sec. 2. Financial aid programs. The Finance Authority of Maine shall review existing student financial aid programs for supporting students pursuing high-technology courses of study and make recommendations to the 119th Legislature by January 1, 1999, including any necessary implementing legislation, to provide additional resources to support such students.

Sec. 3. Availability of capital. The Finance Authority of Maine shall analyze the availability of capital for business start-up and development to determine if sufficient capital is available for all levels of high-technology business needs and to identify what barriers may exist to accessing capital. The Finance Authority of Maine shall develop strategies for increasing capital, if necessary, and for assisting fledgling businesses in locating and obtaining capital and for removing barriers to access. The authority shall submit a report to the 119th Legislature by January 1, 1999 describing the results of its analysis and containing its recommendations along with any necessary implementing legislation.

Sec. 4. Analysis and review of effectiveness of tax incentives.

1. Analysis of tax incentives. The Bureau of Revenue Services shall gather and analyze, to the maximum extent possible while preserving any taxpayer confidentiality as provided in the Maine Revised Statutes, data regarding businesses taking advantage of the following incentives:

- A. The Maine Employment Tax Increment Financing Program;
- B. The seed capital investment tax credit;
- C. The research expense tax credit;
- D. The supercredit for substantially increased research and development;
- E. The high-technology investment tax credit;
- F. The sales tax exclusion for custom computer software;
- G. The sales tax exemption for nonprofit medical research corporations and biology and ecology labs;
- H. The sales tax exemption for sales of research and development equipment; and
- I. The sales tax exemption for organizations conducting research for the Maine Science and Technology Foundation.

All other agencies involved in the administration of a tax incentive subject to analysis shall provide any information requested by the Bureau of Revenue Services to complete the analysis required by this section.

2. Effectiveness of tax incentives. The Department of Economic and Community Development shall examine the information provided by the Bureau of Revenue Services and determine whether each tax provision is an effective means of providing incentives for the growth of high-technology businesses in the State and make recommendations for any necessary changes.

3. Report. The Bureau of Revenue Services and the Department of Economic and Community Development jointly shall submit the results of the examination required by this section, including any necessary implementing legislation, to the 119th Legislature by January 1, 1999.

Sec. 5. High-technology marketing. The Maine Science and Technology Foundation and the Department of Economic and Community Development jointly shall, pursuant to the State science and technology plan, identify action steps for attracting and developing new companies, including a plan for marketing the State as a high-technology location. The foundation and the department shall present the plan, including any necessary implementing legislation, to the 119th Legislature by September 1, 1999 for aggressively marketing the State's potential as a location for high-technology businesses.

Sec. 6. Clearinghouse. The Maine Science and Technology Foundation, working with the Maine Development Foundation, the Finance Authority of Maine, the Department of Economic and Community Development, the State Planning Office, the Department of Labor, the University of Maine System, the Technical College System and the high-technology industry, shall establish a statewide clearinghouse for information and assistance to persons seeking to conduct research and development and to develop high-technology businesses in the State. The clearinghouse may include, but is not limited to, the following information and assistance: a complete inventory of existing high-technology resources; sources of federal and private financial support for research and development and assistance in grant writing; and development of technology business plans, accessing capital, obtaining legal and other professional assistance, managing business growth and marketing, the science and technology report card and information on the availability of a skilled workforce. The foundation shall submit a progress report by September 1, 1999 to the joint standing committee of the Legislature having jurisdiction over business and economic development matters on the establishment

of the clearinghouse. The report may include recommendations on legislation required for full implementation of the statewide clearinghouse.

Sec. 7. PL 1997, c. 557, Pt. C, §11 is amended to read:

C-11. Report. The commission shall present its findings and any recommended legislation to the Second Regular Session of the 118th Legislature by ~~January 1~~ February 3, 1998.

Sec. 8. Retroactivity. That section of this Act that amends Public Law 1997, chapter 557, Part C, section 11 is retroactive to January 1, 1998.

See title page for effective date.

CHAPTER 785

H.P. 1617 - L.D. 2244

An Act to Encourage Intergovernmental Cooperation

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 30-A MRSA §107, as amended by PL 1989, c. 104, Pt. C, §§8 and 10, is further amended to read:

§107. Services to municipalities

~~The county commissioners of each county may contract with municipalities within the county to provide services that either a county or a municipality may perform. Under such a contract, the county commissioners may also contract with other political subdivisions of the State, quasi-municipal corporations, any agency or instrumentality of the State or with private enterprises, to enable or assist in performing all or part of the services contracted for by a municipality. In addition to any service authorized by or required of counties in this Title, the county commissioners of each county may develop and contract to provide any service that a municipality may perform. The county commissioners may develop such a service prior to executing a contract with a municipality but, unless otherwise provided for in this Title, may deliver the service only upon a contract with one or more municipalities or others as described in subsection 4. The county commissioners may contract with municipalities, other political subdivisions of the State, regional planning councils, councils of government, quasi-municipal corporations, any agency or instrumentality of the State or private enterprises to enable the county to perform or to assist the county in the performance of all or part of the services contracted for by a municipality.~~

1. Municipal action required. The legislative body of any municipality entering into a contract under this section must take appropriate action by ordinance, resolution or other action pursuant to law before the contract takes effect.

2. Contents of contract. Any contract with a municipality must specify the following:

- A. Its duration;
- B. Its purpose;
- C. The manner and amount of financing for the contracted services and maintaining a budget;
- D. The scope and nature of the services to be performed by the county;
- E. The manner of administering the performance of the contract and the methods and extent of municipal control of that administration;
- F. The manner of acquiring, holding and disposing of real and personal property acquired or used in performing the contract;
- G. Any limitations on the county commissioners' power to contract with other political subdivisions, quasi-municipal corporations, agencies, instrumentalities or enterprises to perform the services specified in the municipal-county contract, including the duties and activities that may be contracted for by the county;
- H. The method of partial or complete termination of the contract and the obligations and responsibilities of each party on termination; and
- I. Any other necessary and proper matters.

3. Filing. A copy of the contract ~~shall~~ must be filed with the clerk of each municipality that is a party to the contract and in the office of the county commissioners.

4. Municipalities and others served. The county may provide services to municipalities and other public and private entities in the county or another county. Unless otherwise provided for in this Title, a county may not require municipalities or other entities to subscribe to, contract for or participate in any service under this section.

5. Fees. The cost of developing and providing the service must be borne by those municipalities or other public or private entities using the service or by other means, but must not in any way be borne by the tax for which municipalities are assessed pursuant to section 706.